



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/749,766	11/20/96	METCALF	21285-0103

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LM02/0831

EXAMINER
CH, M

ART UNIT	PAPER NUMBER
2743	

DATE MAILED: 08/31/98 10

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/749,766

Applicant(s)
METCALF

Examiner
Minsun Oh Harvey

Group Art Unit
2743



☒ Responsive to communication(s) filed on Jul 6, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-34 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 to 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murry in view of Paroutaud.

Murry discloses a sound system for capturing and reproducing sounds, comprising: means for separately receiving sound produced by a sound source (56-59); means for converting the separately received sounds to a plurality of separate audio signals without mixing the audio signals (outputs from 56 to 59); means for separately storing the plurality of separate audio signals without mixing the audio signals (55); means for separately retrieving the stored audio signals (channels 1 to 4); an amplification network comprising a plurality of amplifier means and a loudspeaker network comprising a plurality of loudspeaker means (60 to 63); a dynamic controller for dynamically controlling the loudspeaker network and the amplification network (col. 11, lines 55 to 63). Murry does not disclose that the receiving sounds are produced by the plurality of sound sources.

Paroutaud discloses a sound system for capturing and reproducing sound, comprising means for separately receiving sounds produced by the plurality of sound sources (111 and 112 of fig. 1). Since Paroutaud has disclosed receiving sounds produced by the plurality of sound sources, it would have been obvious to combine Paroutaud's teaching with Murry because the

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four microphones which has been disclosed by Murry would be able to pick up the plurality of sound sources as disclosed by Paroutaud.

3. This is in response to the applicant's argument which was received on July 6, 1998.

On page 10, line 16 to page 11, line 11, the applicant has argued that since "the field of endeavor for the present invention is to avoid the use of spatial separation technique, among other things", Murry reference can not be applied because "Murray uses a spatial separation technique for recording sound sources so that a multi-dimensional playback can be achieved". The applicant's argument is not persuasive because even though Murry is not analogous art to the present invention, the claims as claimed reads on Murray combined with Paroutaud. Also, the applicant has argued that since Paroutaud is not designed to improve the output of a loudspeaker system(s), Paroutaud reference can not be applied. The examiner disagrees with the applicant because Murry combined with Paroutaud reads on the claims as claimed.

On page 11, line 13 to page 12, line 6 the applicant has argued that since Paroutaud teaches that stereo speakers are not desired, a person of ordinary skill in the art, looking at the disclosure in Paroutaud, would be led away from combining its teachings with Murry. The examiner disagrees with the applicant because the examiner has applied Paroutaud to show that multiple microphones could receive sounds produced by a plurality of sound sources.

On page 12, line 7 to 14, the applicant has argued that since Paroutaud is not designed for the spatial separation technique, there would be no motivation to combine the invention of Paroutaud with the invention of Murry. The applicant's argument is not persuasive because even

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though Paroutaud is not designed for the spatial separation technique, Paroutaud discloses that a multiple microphones could receive sounds produced by a plurality of sound sources.

On page 13, lines 5 to 8, the applicant has argued that Murray does not disclose “‘means for separately receiving’ sounds produced by a plurality of sound sources”. As described above, the applicant’s argument is not persuasive. ?

On page 13, lines 9 to 18, the applicant has argued that Murry does not disclose “each receiving means associated with a single sound source” and “each receiving means associated with a single sound source”. The examiner disagrees with the applicant because reference Murry combined with Paroutaud discloses “each receiving means associated with a single source” and “each receiving means associated with a single sound source” as claimed.

On page 14, lines 1 to 5, the applicant has argued that Paroutaud does not disclose “without mixing the audio signals”. The examiner disagrees with the applicant because Murry combined with Paroutaud discloses “without mixing the audio signals”.

Regarding the applicant’s argument on page 14, lines 6 to 15, the applicant’s argument is not persuasive because as described above.

The examiner maintains the rejection as set forth above.

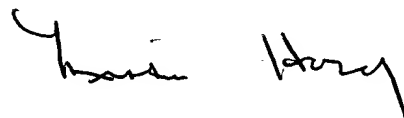
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Oh whose telephone number is (703) 308-6741.



**MINSUN OH HARVEY
PRIMARY EXAMINER**